

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN ROBERT C. CLARK**, on January 19, 1999
at 8:00 A.M., in Room 312 - 1 Capitol.

ROLL CALL

Members Present:

Rep. Robert C. Clark, Chairman (R)
Rep. Dan McGee, Vice Chairman (R)
Rep. Diana Wyatt, Vice Chairman (D)
Rep. Chris Ahner (R)
Rep. Shiell Anderson (R)
Rep. Paul Clark (D)
Rep. Bill Eggers (D)
Rep. Tom Facey (D)
Rep. Steven Gallus (D)
Rep. Gail Gutsche (D)
Rep. Joan Hurdle (D)
Rep. Rick Jore (R)
Rep. Sam Kitzenberg (R)
Rep. Brad Molnar (R)
Rep. Mark Noennig (R)
Rep. Jim Shockley (R)
Rep. Loren Soft (R)
Rep. Carol Williams (D)
Rep. Cindy Younkin (R)

Members Excused: Rep. Aubyn A. Curtiss (R)

Members Absent: None.

Staff Present: John MacMaster, Legislative Branch
Pam Schindler, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: 1/19/1999- HB 214, HB 235, SB 6, SB 32,
Date Posted: 1/14/1999
Executive Action: HB's 54, 213 and 28 Tabled

HB 115-Do Pass As Amended

HB 53-Do Pass AS Amended

Chairman Robert Clark opened meeting at 8:05 a.m.

{Tape : 1; Side : A; Approx. Time Counter : 0 - 29}

HEARING ON HB 214

Sponsor:

Rep. McGee presented HB 214.

{Tape : 1; Side : A; Approx. Time Counter : 29 - 83}

EXHIBIT(juh14a01)

Proponents:

Steve Powell, registered land surveyor

{Tape : 1; Side : A; Approx. Time Counter : 83 - 140}

EXHIBIT(juh14a02)

Opponents:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

{Tape : 1; Side : A; Approx. Time Counter : 140 - 236}

Closing by Sponsor:

Rep. McGee made closing statements.

{Tape : 1; Side : A; Approx. Time Counter : 236 - 256}

HEARING ON HB 235

Sponsor:

Rep. Witt presented HB 235.

{Tape : 1; Side : A; Approx. Time Counter : 256 - 306}

EXHIBIT(juh14a03)

Proponents:

Debbie Rossmiller, "Cyber Angels"

{Tape : 1; Side : A; Approx. Time Counter : 306 - 367}

EXHIBIT(juh14a04)

EXHIBIT(juh14a05)

Dan Rossmiller, self

{Tape : 1; Side : A; Approx. Time Counter : 367 - 387}

Mike Strand, Montana Independent Telecommunications Systems

{Tape : 1; Side : A; Approx. Time Counter : 387 - 433}

Jason Fitzpatrick, Online Safety Organizations

{Tape : 1; Side : A; Approx. Time Counter : 433 - 550}

Opponents:

Scott Crichton, ACLU

{Tape : 1; Side : B; Approx. Time Counter : 0 - 91}

EXHIBIT(juh14a06)

Informational Testimony:

None

Questions from Committee Members and Responses:

{Tape : 1; Side : B; Approx. Time Counter : 91 - 444}

EXHIBIT(juh14a07)

Closing by Sponsor:

Rep. Witt made closing statements.

{Tape : 1; Side : B; Approx. Time Counter : 444 - 467}

HEARING ON SB 6

Sponsor:

Sen. Hargrove presented SB 6.

{Tape : 1; Side : B; Approx. Time Counter : 467 - 550}

{Tape : 2; Side : A; Approx. Time Counter : 0 - 28}

EXHIBIT(juh14a08)

EXHIBIT(juh14a09)

Proponents:

Mike Batista, Montana Dept. of Justice

{Tape : 2; Side : A; Approx. Time Counter : 28 - 52}

Bob Aanderson, Montana Sheriffs and Peace Officers Association

{Tape : 2; Side : A; Approx. Time Counter : 52 - 55}
Jerry Williams, Montana Police Protective Association
{Tape : 2; Side : A; Approx. Time Counter : 55 - 64}

Opponents:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

{Tape : 2; Side : A; Approx. Time Counter : 64 - 175}

Closing by Sponsor:

Sen. Hargrove made closing statements.

{Tape : 2; Side : A; Approx. Time Counter : 175 - 216}

HEARING ON SB 32

Sponsor:

Sen. Grimes presented SB 32.

{Tape : 2; Side : A; Approx. Time Counter : 216 - 271}

Proponents:

Joan Akton, Warden- Montana State Women's Prison
{Tape : 2; Side : A; Approx. Time Counter : 271 - 302}

Diane Libeinger-Cook, Rep. from Alberton
{Tape : 2; Side : A; Approx. Time Counter : 302 - 442}

Jerry Williams, Montana Police Protective Association
{Tape : 2; Side : A; Approx. Time Counter : 442 - 459}

Bob Anderson, Montana Sheriffs and Peace Officers Association
{Tape : 2; Side : A; Approx. Time Counter : 459 - 468}

Opponents:

None

Informational Testimony:

Mike Mahoney, Warden-Montana State Prison

{Tape : 2; Side : A; Approx. Time Counter : 468 - 476}

Questions from Committee Members and Responses:

{Tape : 2; Side : A; Approx. Time Counter : 476 - 550}{Tape : 2; Side : B; Approx. Time Counter : 0 - 263}

Closing by Sponsor:

Sen. Grimes made closing statements.

{Tape : 2; Side : B; Approx. Time Counter : 263 - 302}

EXECUTIVE ACTION ON HB 213

Motion/Vote: Rep. McGee moved that HB 213 be tabled. Motion carried 12-7 with P. Clark, Eggers, Facey, Gutsche, Hurdle, Williams, and Wyatt voting no.

{Tape : 2; Side : B; Approx. Time Counter : 302 - 363}

EXECUTIVE ACTION ON HB 115

Motion/Vote: Rep. McGee moved that HB 115 be amended. Motion carried 18-1 with Wyatt voting no.

EXHIBIT(juh14a10)

Motion/Vote: Rep. McGee moved that HB 115 be passed as amended. Motion carried 17-2 with Eggers and Jore voting no.

{Tape : 2; Side : B; Approx. Time Counter : 363 - 550}

{Tape : 3; Side : A; Approx. Time Counter : 0 - 375}

EXECUTIVE ACTION ON HB 106

Motion/Vote: Rep. Facey moved HB 106. Motion carried 18-1 with Wyatt voting no.

After much discussion HB 106 was postponed until a later date.

{Tape : 3; Side : A; Approx. Time Counter : 375 - 550}

EXHIBIT(juh14a11)

EXHIBIT(juh14a12)

EXECUTIVE ACTION ON HB 53

Motion/Vote: Rep. McGee moved that HB 53 be amended. Motion carried unanimously.

Motion/Vote: Rep. Ahner moved that HB 53 be passed as amended.

Motion carried 13-6 with Facey, Gallus, Gutsche, Hurdle, Williams, and Wyatt voting no.

{Tape : 3; Side : B; Approx. Time Counter : 0 - 133}

EXHIBIT(juh14a13)

EXECUTIVE ACTION ON HB 54

Motion/Vote: Rep. Gallus moved that HB 54 be **PASSED**. Motion failed 9-11 with Eggers, Gutsche, Hurdle, Jore, McGee, Molnar, Noennig, Williams, Shockley, Soft and Wyatt voting nay.

{Tape : 3; Side : B; Approx. Time Counter : 133 - 550}

Reversed vote and tabled the motion.

{Tape : 4; Side : A; Approx. Time Counter : 0 - 50}

EXHIBIT(juh14a14)

EXHIBIT(juh14a15)

EXHIBIT(juh14a16)

EXECUTIVE ACTION ON HB 84

Discussion by Rep. Eggers and withdrew HB 84 until HB 16 is acted upon.

{Tape : 4; Side : A; Approx. Time Counter : 50 - 57}

EXECUTIVE ACTION ON HB 28

EXHIBIT(juh14a17)

Substitute Motion: Rep. McGee made a substitute motion that HB 28 do pass.

Discussion: Rep. Noenning moved to amend HB 28.

Amendment passed.

S. Anderson objects to Sen. Toews testifying and moved HB 28 tabled.

Motion/Vote: Rep. Anderson moved that HB 28 be tabled. Motion carried 12-8 with Eggers, Gutsche, Hurdle, Kitzenberg, Noennig, Soft, Williams and Wyatt voting no.

{Tape : 4; Side : A; Approx. Time Counter : 57 - 293}

Rep. McGee moved the meeting be adjourned. unanimously passed.

HOUSE COMMITTEE ON JUDICIARY

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ADJOURNMENT

Adjournment: 11:55 A.M.

REP. ROBERT C. CLARK, Chairman

PAM SCHINDLER, Secretary

RC/PS

EXHIBIT (juh14aad)